

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

OLGA CURTIS, an individual,

Plaintiff,

v.

SHINSACHI PHARMACEUTICAL
INC., *f/k/a* SHINSACHI MEDIA INC.,
a corporation of Canada; Seungwoo
Shin, a Canadian individual; and DOES
1 through 10, inclusive,

Defendants.

Case No. 2:14-cv-00591-ODW(SSx)

DEFAULT JUDGMENT

The Court hereby renders JUDGMENT in favor of Plaintiff Olga Curtis and against Defendants ShinSachi Pharmaceutical Inc., *f/k/a* ShinSachi Media Inc. ("ShinSachi") and Seungwoo Shin ("Shin") (collectively, "Defendants") as follows:

1. Pursuant to 15 U.S.C. section 1125(d)(1)(C), the Court directs Defendants to transfer registration of the domain names *www.supernumb.com*, *www.deepnumb.com*, and *www.numbfast.com* to Plaintiff Olga Smith within 15 days of notice of this Judgment.

2. Defendant ShinSachi's U.S. Trademark Registration Nos. 4290428, issued February 12, 2013 on the Supplemental Register ("TATTOONUMB"), 4321983, issued April 16, 2012 on the Principal Register ("SUPERNUMB") and

1 4326072 issued April 23, 2013 on the Supplemental Register ("DEEPNUMB") are
2 hereby cancelled.

3 3. The Court hereby declares that:

4 A. Plaintiff's purchase and resale of TATTOONUMB,
5 SUPERNUMB, DEEPNUMB, and DR. NUMB skin care
6 products in the United States is lawful under the first sale
7 doctrine and does not infringe Defendants' copyright, trademark,
8 or other rights; and

9 B. the continued sale of Defendants' products by Curtis is lawful
10 and does not infringe Defendants' rights.

11 4. Pursuant to 15 U.S.C. section 1125, the Court awards Plaintiff
12 statutory damages of \$300,000.00 based on: (A) Defendants' willful use and
13 registration of the domain names *www.numbfast.com*, *www.supernumb.com*, and
14 *www.deepnumb.com* in bad faith, which are nearly identical to or confusingly
15 similar to Plaintiff's NUMB Marks; (B) Defendants' deception in registering the
16 infringing domain names; and (C) Defendants' failure to defend this action.

17 5. Pursuant to 15 U.S.C. section 1117(a) and Central District of
18 California Local Rule 55-3, the Court awards Plaintiff attorneys' fees of \$9,600.00.

19 6. Pursuant to 15 U.S.C. section 1125(d) and Central District of
20 California Local Rules 54-3.1, 54-3.2, the Court awards Plaintiff costs of \$978.00.

21 7. Pursuant to 28 U.S.C. section 1961(a), the Court awards Plaintiff post-
22 judgment interest.

23 **THE COURT HEREBY ORDERS, ADJUDGES and DECREES.**

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26 DATED: September 9, 2014

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28 Hon. Otis D. Wright, II
United States District Court Judge